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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,120	03/29/2004	Robert L. Cragg	BMI5USA	1541
270	7590	09/12/2005	EXAMINER	
HOWSON AND HOWSON ONE SPRING HOUSE CORPORATION CENTER BOX 457 321 NORRISTOWN ROAD SPRING HOUSE, PA 19477			ADDIE, RAYMOND W	
			ART UNIT	PAPER NUMBER
			3671	
DATE MAILED: 09/12/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,120

Applicant(s)

CRAGG, ROBERT L.

Examiner

Raymond W. Addie

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-11 and 13-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4,6-9,11 and 13-29 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because its brevity does not adequately describe the invention commensurate with the requirement that a patent abstract "should include that which is new in the art to which the invention pertains".

Correction is required. See MPEP § 608.01(b).

Further, the phrase "Various...arrangements for...are disclosed" is redundant and does not describe the "various mounting arrangements" in a concise statement.

Claim Objections

2. Claim 7 is objected to because of the following informalities:

The phrase "cap shoe", in line. 14, should be --shoe cap--, to be consistent with Ins. 9, 11 of claim 7. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lubin #

2,109,797 in view of Fujimoto et al. # 4,599,834.

Lubin discloses a bascule bridge and equipment, the bridge having a tail portion (32), a

pivot (30) and a front leaf (31). Said bridge comprising:

A plurality of vibration-absorbing, static stabilizers (44, 51); at least one of said

stabilizers (44) being in juxtaposition between said leaf tail portion and a roadway approach structure (48), when said bridge is in a closed position. See Fig. 2.

A retractable tail lock (62), able to be extended and retracted, to facilitate positioning

Said bridge leaf (31) in an open position.

What Lubin does not disclose is the structure of the static stabilizer.

However, Fujimoto et al. discloses a static stabilizer for use with large structures, such as buildings and bridge span structures; to ameliorate shock loading (vibrations) between adjacent bridge span supporting structure, comprising:

A housing (40) having a base and a wall (42) extending upwards from said base to form a chamber.

A shock absorbing assembly (54) mounted in said chamber. See Fig. 11.

A shoe cap (46) extending across said housing (40) for forcing said assembly (54) downwardly, as said shoe cap is compressed. See col. 7, lns. 1-13.

A cylindrical carrier (44) moveably mounted in said housing chamber for containing said Assembly (54) therein.

Whereby, downward displacement of said shoe cap (46) compresses the spring washers (54) therein.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the bascule bridge of Lubin with a plurality of static stabilizers, as taught by Fujimoto et al. in order to reduce fatigue related damage to the bridge structure. See Fujimoto et al. cols. 5-6.

Allowable Subject Matter

4. Claims 1, 4, 6-9, 11, 13-29 are allowed.

Response to Amendment

5. Applicant's amendments to claims has overcome all rejections and objections cited in the Last Office Action. However, upon examination, Amended Claim 10 although previously cited as being allowable if put into independent form, appears to be obvious to the teachings of Lubin in view of Fujimoto as put forth above. Since the cited combination constitutes a new grounds of rejection; a new non-final action has been put forth to show the obviousness of the invention recited in Amended Claim 10.

Response to Arguments

6. Applicant's arguments filed 6/27/05 have been fully considered but they are not persuasive. Applicant suggests "claims 7 and 10 have each been rewritten as an independent claim including all the limitations of the base claim and any intervening

claim. Accordingly, Applicant submits that claims 1, 4, 6-11 and 13-20 are in condition for allowance.

However, the Examiner does not concur.

Amended claim 10 requires a bascule bridge having a plurality of static stabilizers for reducing vibrations experienced by the bridge support structure, as well a retractable tail lock having no claimed form or function.

Further the claimed "static stabilizer" does not require all the claimed features recited in allowed independent claims 1, 7, 11, 21. Hence, it is seen that the "static stabilizer(s)" required by claim 10 are not the "static stabilizers" provided for in allowed independent claims 1, 7, 11, 21; the structural and functional differences between that which is claimed in claim 10 and that required by claims 1, 7, 11, 21; being such that the static stabilizer(s) required by claim 10 do not preclude the teachings of Lubin in view of Fujimoto et al., from teaching the obviousness of that which is claimed in claim 10, as put forth above.

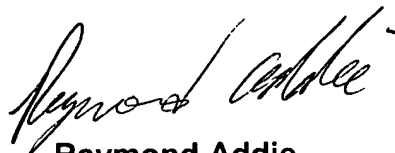
Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Taylor \$ 4,718,648 discloses a vibration dampener having various embodiments of resilient shock absorbing elements.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 6AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Raymond Addie", is positioned above the printed name.

Raymond Addie
Patent Examiner
Group 3600